

**Matter of:** Beverly Poole  
**File:** B-254509  
**Date:** December 8, 1993

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**DIGEST**

A transferring employee claims the expense of installing a fence around her septic tank required by the county health department before the house could be sold. The claim is denied. A repair or correction necessary to comply with the applicable law, although the law was not in effect when the property was purchased, is considered an operating or maintenance expense for which reimbursement in connection with a residence transaction is expressly barred by the Federal Travel Regulations. 41 C.F.R. § 302-6.2(d)(2)(iv) (1993). Neither may such expense be reimbursed under the miscellaneous expense allowance provisions since they do not cover the costs of newly acquired items, structural alterations, or an expense expressly barred by the other provisions. FTR § 302-3.1(c).

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**DECISION**

This responds to a request for a decision on Ms. Beverly Poole's claim for \$541.76 for expenses she incurred to install a fence around her septic tank in connection with the sale of her residence.<sup>1</sup>

Ms. Poole, an employee of the National Weather Service, states that the fence was necessary to comply with a provision of the county's health code that was adopted after the purchase of her residence and that she would not have incurred the expense but for her need to sell her home incident to her permanent change-of-station transfer by the Weather Service.

The agency disallowed this expense, citing our decisions in James Betts, B-217922, Sept. 6, 1985, and Robert C. Markgraf, B-215960, Nov. 14, 1984, in which we held that the

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<sup>1</sup>The decision was requested by the Chief, Finance Division, Eastern Administrative Support Center, Department of Commerce.

cost of plumbing repairs are not reimbursable under the allowances for expenses incurred in connection with residence transactions incident to a change of duty station. Betts concerned plumbing repairs incurred by an employee to pass inspection by the local government and Markgraf concerned plumbing repairs required by the employee's mortgage lender. In both cases, the employees argued that the repairs would not have been made had they not been required to complete the residence transaction incident to a transfer. However, the rule applied in those decisions was that corrections of deficiencies required to be completed in order to make a home saleable--even when the requirement was not in effect at the time the residence was constructed--are operating or maintenance costs, which the Federal Travel Regulations (FTR) expressly state are not reimbursable residence transaction expenses. 41 C.F.R. § 302-6.2(d)(2)(iv) (1993).

Although Ms. Poole argues that her case differs from these decisions because it does not involve plumbing repairs, and she characterizes the expense as a miscellaneous mechanical fee, the rule stated above is not unique to plumbing repairs. See Timothy C. Pace, B-244551, Nov. 18, 1991, in which we disallowed the costs of a radon gas control system that a relocating employee had to install to comply with Environmental Protection Agency standards, and Robert J. Holscher, B-215410, Nov. 14, 1984, which disallowed reimbursement for installation of weatherizing material required to render an employee's home saleable under a local law enacted after the employee purchased the home.

Also, the expense of installing the fence may not be reimbursed as a miscellaneous expense allowance item because the regulations governing the miscellaneous expense allowance preclude reimbursement for an expense that is incurred for newly acquired items, structural alterations, or that is expressly prohibited by another provision of the FTR. FTR § 302-3.1(c); and Markgraf, cited above.

Accordingly, the claim may not be paid.

James F. Hinchman  
General Counsel